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By:

Karen M. Forsyth



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : Bruce et al.
TITLE : APPARATUS AND METHOD FOR
DETECTING AND LOCATING RARE
CELLS
APPLICATION NO. : 10/616,366
FILED : July 9, 2003
CONFIRMATION NO. : 2319
EXAMINER : Unknown
ART UNIT : 2621
LAST OFFICE ACTION : None
ATTORNEY DOCKET NO. : D/A2247i
XERZ 2 00563-3

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§ 1.56, 1.97, 1.98 and MPEP § 609, applicant(s) submit(s) the following Second Supplemental Disclosure Statement concerning art of which the applicant(s) is(are) aware. A copy of PTQ1449 is enclosed herewith.

In accordance with the United States Patent and Trademark Office OG Notice dated 05 August 2003, waiving the requirement under 37 C.F.R. §1.98(a)(2)(i), for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003, Applicant(s) has not enclosed copies of the cited U.S. patents with this Disclosure.

Under § 1.98(a)(3), no concise explanation of relevance is required for information that is in the English language. Accordingly, the enclosed art require no further explanation (or no translation is available).

Consideration of the appropriate paragraph(s) indicated below is respectfully requested:

- ☐ **WITHIN THREE MONTHS OF FILING:** Under § 1.97(b)(1), this Information Disclosure Statement is being filed within three months of the filing date of the application. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 24-0037.
- ☒ **BEFORE FIRST OFFICE ACTION:** Under § 1.97(b)(3), this Supplemental Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 24-0037.
- ☒ **INTERNATIONAL SEARCH REPORT:** Under § 1.97(e)(1), the undersigned certifies that each item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. Although it is believed no fee is necessary, any deficiency in fees should be charged to Deposit Account No. 24-0037.
- ☐ **BEFORE FINAL ACTION/WITH FEE:** Under § 1.97(c)(2), this information shall be considered if filed before the mailing date of a final action if accompanied by a fee in the amount of \$180.00 as required by §1.17(p). Accordingly, the necessary fee accompanies this Information Disclosure Statement. Any overpayment or deficiency can be charged to Deposit Account No. 24-0037.
- ☐ **PRIORITY CLAIM:** The attached PTO 1449 Form includes all patents, publications, or other information previously cited by or submitted to the Office in one or more prior applications from which the present application claims priority. These one or more prior applications are identified in the papers accompanying the filing of this application. In accordance with 609 MPEP, only copies of art not previously submitted are enclosed.

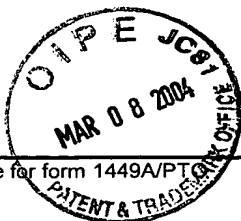
Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

March 4, 2004



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INFORMATION DISCLOSURE STATEMENT BY APPLICANT(S)	Complete if Known	
	Application Number	10/616,366
	Filing Date	July 9, 2003
	First Named Inventor	Bruce et al.
	Art Unit	2621
Examiner Name	Unknown	
Sheet 1 of 1	Attorney Docket No.	D/A2247i (XERZ 2 00563-3)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	Document No. Number-Kind Code (if known)	Publication/Issue Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	AA	US-4,721,851	01-26-1988	Kogure	
	AB	US-4,010,364	03-01-1977	Fuwa	
	AC	US-4,002,829	01-11-1977	Hutchison	
	AD	US-5,732,162	03-24-1998	Curry	
	AE				
	AF				
	AG				
	AH				
	AI				
	AJ				
	AK				
	AL				

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T
		Country Code-Number Kind Code (if known)				
	AM	GB 1 579 188	11-12-1980	Green		<input type="checkbox"/>
	AN					<input type="checkbox"/>
	AO					<input type="checkbox"/>
	AP					<input type="checkbox"/>

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume/issue number(s), publisher, city and/or country where published	T
	AQ	EP 03 25 6441, European Search Report, 20 January 2004, Examiner WAERN, G., Berlin	<input type="checkbox"/>
	AR		<input type="checkbox"/>
	AS		<input type="checkbox"/>
	AT		<input type="checkbox"/>
	AU		<input type="checkbox"/>
	AV		<input type="checkbox"/>

Examiner Signature		Date Considered	
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